

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

BUDDY FREEMAN,)	CASE NO. 1:19-cv-1599
)	
)	
PETITIONER,)	JUDGE SARA LIOI
)	
vs.)	
)	MEMORANDUM OPINION
WARDEN DOUGLAS FENDER,)	
)	
)	
RESPONDENT.)	

Before the Court is the report and recommendation of the magistrate judge in the above-entitled action. (Doc. No. 10 (“R&R”).) The R&R recommends that Buddy Freeman’s (“Freeman” or “petitioner”) petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 be denied in its entirety and that the Court not grant petitioner a certificate of appealability. (*Id.* at 558.¹) The magistrate judge advised petitioner that any objections to the R&R must be filed with the Clerk of Courts within fourteen (14) days of being served with the R&R. (*Id.* at 559.) A copy of the R&R was mailed to Freeman at his address of record on January 5, 2021, and the mailing has not been returned to the Court as undeliverable.

¹ Page number references are to the page identification numbers generated by the Court’s electronic filing system.

Under the relevant statute:

[. . .] Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1)(C).

In this case, more than thirty (30) days have elapsed since the R&R was mailed to Freeman at his address of record and no objections have been filed. The failure to file written objections to a magistrate judge's report and recommendation constitutes a waiver of a de novo determination by the district court of any issue covered in the report. *Thomas v. Arn*, 728 F.2d 813, 814–15 (6th Cir. 1984), *aff'd*, 474 U.S. 140, 106 S. Ct. 466, 88 L. Ed. 2d 435 (1985).

The Court has reviewed the magistrate judge's report and recommendation and accepts and adopts the same. Accordingly, Freeman's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 is denied and dismissed in its entirety. Further, the Court certifies that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253; Fed. R. App. P. 22(b). This case is closed.

IT IS SO ORDERED.

Dated: February 16, 2021



HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE